



13281 U.S.PTO

17302 U.S.PTO
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022404
PATENT
Attorney Docket No. 86581-0004 CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**TRANSMITTAL FOR A CONTINUATION-IN-PART
PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a Continuation-In-Part (CIP) patent application under 37 C.F.R. §1.53(b) of:

Inventors: Wade Martin POTEET, Laurence MARSTELLER, Timothy D. SHRIVER and Harold K. CAUTHEN

For: System and Methods for Detection and Identification of Chemical Substances

1. This is a new Utility Design Plant patent application.
2. The papers enclosed to obtain a filing date are as follows:
65 Pages of Application including:
1 Title Page
40 Pages of Disclosure
5 Pages of Claims
1 Page of Abstract; and
18 Sheets of drawings containing 18 Figures
 The enclosed drawing(s) are photograph(s), and there is also attached a PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S).
3. Declaration for Patent Application **OR** Combined Declaration and Power of Attorney
 Enclosed and is newly executed by all inventors.
 Enclosed in this continuation-in-part application and is a copy from a prior application (37 CFR § 1.63(d)).
 Not Enclosed.
This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

4. Language

English
 Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

An assignment of the invention to _____, and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

An assignment to CDEX, Inc. will be filed at a later date. Please recognize this entity as the assignee on any publications.

6. Priority -- foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

Priority of the following foreign application(s) is claimed:

| Country | Application No. | Filed |
|---------|-----------------|-------|
| | | |
| | | |

Certified copy: is attached. will follow.

7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

Benefit of the following U.S. provisional application(s) is claimed:

| Provisional Application No. | Filed |
|-----------------------------|-------------------|
| 60/448,864 | February 24, 2003 |
| 60/449,834 | February 27, 2003 |

8. Priority based on non-provisional application(s) – 35 U.S.C. §120

Priority of the following U.S. Non-provisional is claimed:

| Non Provisional Application No. | Filed |
|---------------------------------|-------------------|
| 10/717,921 | November 21, 2003 |



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9. Preliminary Amendment

Amend the specification by inserting before the first line the sentence:
"This application is a continuation-in-part, division of co-pending application number , filed, which is hereby incorporated by reference"

10. Small entity status

Small entity status under 37 C.F.R. §1.27 is claimed for this application.

11. Fee Calculation (37 C.F.R. § 1.16)

| CLAIMS FOR FEE CALCULATION | | | | |
|--|--------------|--------------|----------------|---|
| | Number Filed | Number Extra | at Rate of | Basic Fee Utility \$770.00 |
| Total Claims (37 C.F.R. §1.16(c)) | 14 - 20 = | 0 | \$ 18.00 each= | +\$ 0 |
| Independent Claims (37 C.F.R. §1.16(b)) | 2 - 3 = | 0 | \$ 86.00 each= | +\$ 0 |
| Multiple dependent claim(s), if any (37 C.F.R. §1.16(d)) | | | \$ 290.00 | +\$ 0 |
| | | | | SUB-TOTAL = +\$ 770.00 |
| | | | | Reduction by ½ for filing by a small entity -\$ 385.00 |
| | | | | TOTAL FILING FEE = \$ 385.00 |

12. Fee Payment

Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. §1.53(f).

Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

Enclosed.

A check in the amount of \$ for the filing fee is enclosed.

13. Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

14. Additional papers enclosed:

- Nonpublication Request pursuant to 37 CFR § 1.213
- Combined Power of Attorney by Assignee and Certificate under 37 CFR § 3.73(b)
- Change of Correspondence Address
- Preliminary Amendment
- Information Disclosure Statement
- Form PTO- 1449, _____ documents as listed
- Declaration of Biological Deposit
- Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

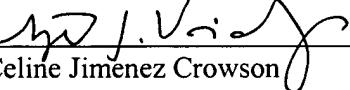
Please accord this application an application number and filing date.

Respectfully submitted,

HOGAN & HARTSON LLP

Dated: February 24, 2004

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